



July 10, 2008

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
12th Street Lobby, TW-A325
Washington D.C. 20554

Re: CC Docket No. 96-45; Virgin Mobile USA, L.P. Petition for Forbearance and Petitions for Limited Designation as an Eligible Telecommunications Carrier in Massachusetts, New York, North Carolina, Pennsylvania, Tennessee and Virginia

Dear Ms. Dortch:

On behalf of Virgin Mobile USA, L.P. ("Virgin Mobile"), I write to urge the Commission to act expeditiously on Virgin Mobile's Petition for Forbearance from enforcement of Section 214(e)(1)(A) of the Communications Act of 1934, as amended, which it filed on December 6, 2007 ("Petition for Forbearance"), and its related Petitions for Limited Designation as an Eligible Telecommunications Carrier in Massachusetts, New York, North Carolina, Pennsylvania, Tennessee and Virginia ("ETC Petitions").

Virgin Mobile's Petition for Forbearance and several of its ETC Petitions have been pending for some time and received almost no opposition. They also are identical to the requests of TracFone Wireless, Inc. ("TracFone"), which the Commission has approved.¹ In addition,

¹ See *Petition of TracFone Wireless, Inc. for Forbearance from 47 U.S.C. § 214(e)(1)(A) and 47 C.F.R. § 54.201(i)*, Order, 20 FCC Rcd 15095 (2005) and *In the Matter of Federal-State Joint Board on Universal Service, TracFone Wireless, Inc., Petitions for Designation in the States of Alabama, Connecticut, Delaware, Florida, New Hampshire, New York, Pennsylvania, Tennessee, Virginia, and Washington D.C.*, Order, FCC 08-100 (rel. April 11, 2008).



Virgin Mobile has agreed to abide by each of the conditions imposed on TracFone by the Commission in its orders granting forbearance and limited designation as an eligible telecommunications carrier ("ETC"). For the avoidance of doubt, Virgin Mobile lists below the requirements imposed by the Commission on TracFone and again commits to implement these requirements to the extent that they continue to apply to TracFone. Virgin Mobile also agrees to accept, as a condition to the Commission's grant of its Petition for Forbearance and ETC Petitions, a requirement that it submit a compliance plan describing the measures the company will undertake to implement the conditions. Specifically, Virgin Mobile commits to the following obligations:

- provide its Lifeline customers with 911 and enhanced 911 (E911) access regardless of activation status and availability of prepaid minutes;
- provide its Lifeline customers with E911-compliant handsets and replace at no additional charge to the customer, non-compliant handsets of its existing customers who obtain Lifeline-supported service;
- comply with the two above-listed requirements as of the date it provides Lifeline service;
- obtain a certification from each Public Safety Answering Point where it provides Lifeline service confirming that it complies with the first condition;
- require its customers to self-certify at time of service activation, and annually thereafter, that they are the head of household and receive Lifeline-supported service only from one provider;
- establish safeguards to prevent its customers from receiving multiple Lifeline subsidies from the same provider at the same address; and,
- certify that it is in full compliance with any applicable 911/E911 obligations, including those relating to the provision, and support, of 911 and E911 services.

Virgin Mobile submits that its full commitment to each of the conditions placed on TracFone by the Commission should remove any impediment to grant of its Petition for Forbearance and ETC Petitions. Rapid approval of these requests, moreover, would promote the public interest by offering the many benefits of Lifeline-supported services to low-income customers. Virgin Mobile's Lifeline plans will provide affordable and convenient wireless services to these customers, many of whom currently lack appealing and affordable options for telecommunications services, especially wireless services.

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Accordingly, Virgin Mobile respectfully requests that the Commission expeditiously approve its Petition for Forbearance and ETC Petitions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "P. Lurie", written over a horizontal line.

Peter Lurie
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cc: Chairman Kevin J. Martin
Commissioner Michael J. Copps
Commissioner Jonathan S. Adelstein
Commissioner Deborah Taylor Tate
Commission Robert M. McDowell
Jeremy Marcus (Wireline Competition Bureau)
Jennifer McKee (Wireline Competition Bureau)